

Application No. 10/718,909
Amendment Dated February 4, 2005
Reply to Office Action of November 4, 2004

REMARKS/ARGUMENTS

The Office Action mailed November 4, 2004 has been received, its contents carefully noted, and the applied citation thoroughly studied. Accordingly, the foregoing revisions to the specification and claims are tendered with the conviction that patentable contrast has now been made manifest over the known prior art and certain typographical inexactitudes have been rectified to provide better form. Accordingly, the Examiner is respectfully requested to favorably receive this amendment, entering it into the subject application. Furthermore, all objections rejections tendered by the Examiner in the above-referenced Office Action are hereby respectfully traversed and reconsideration is respectfully requested.

Initially, and with respect to the specification, the Examiner had objected to the abstract of the disclosure because “the legal phraseology “said” (line 9) has been used.”

The Examiner is invited to note that the abstract of the disclosure has been amended hereinabove to delete the term [[said]] and replace it with the term the. Therefore, withdrawal of the objection to the abstract of the disclosure is respectfully requested.

With respect to the claims, the Examiner had found that “regarding claims 1 (line 11), 11 (line 12), 17 (line 7 and 11), the word “it” renders the claim indefinite because it is unclear, vague and indefinite what “it” refers to since no reference to relate thereto is recited.

Undersigned has amended claims 1 (line 11) and 11 (line 12) hereinabove to delete the term [[it]] and replace it with the phrase said electrical signal. Additionally, undersigned has amended claim 17 at line 7 hereinabove to delete the term [[it]] and replace it with the phrase said digitized signal and at line 11 hereinabove to delete the term [[it]] and replace it with the phrase said electrical signal.

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Therefore, withdrawal of the rejection of claims 1, 11, and 17 under 35 U.S.C. §112, second paragraph, is respectfully requested.

The Examiner had rejected claims 1, 3-4, 7-13 under 35 U.S.C. §102(b) as being anticipated by Hala (U.S. Patent No. 6,026,348).

Notwithstanding, the Examiner states at page 5 of the Office Action that “claims 2, 5 - 6, and 14 - 16 are objected to as being dependent upon rejected base claim, but would be *allowable* if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.”

Accordingly, the Examiner is invited to note that base claim 1 has been amended hereinabove to include the limitations of *allowable* claim 2. Hence, amended claim 1 should be an expression of everything the Examiner deemed patentable and thus, the withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) is respectfully requested.

Claim 2 has been canceled hereinabove without prejudice or disclaimer as to its content.

Claims 3 through 10 all ultimately depend in series from amended claim 1 and therefore benefit from the amendment made thereto. Thus, the withdrawal of the rejection of claims 3, 4, and 7 -10 under 35 U.S.C. §102(b) is respectfully requested. Additionally, the withdrawal of the objection of claims 5 and 6 is respectfully requested.

With respect to claim 11, the Examiner is invited to note that base claim 11 has been amended hereinabove to include the limitations of *allowable* claim 14. The rationale for removing intervening claims 12 and 13 is that the Examiner had asserted that the recitations in those claims do not exhibit patentable distinction over the prior art. Thus, amended claim 11 should be viewed as an expression of the essence of that which the Examiner had deemed

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patentable with portions the Examiner deemed not patentable removed therefrom. Moreover, since the Examiner has disparaged the patentability of those elements, they are unnecessary to support the patentability of amended claim 11 and have been excised as mere surplusage. Therefore, amended claim 11 is believed to be in a form to warrant patent status and thus, the withdrawal of the rejection of claim 11 under 35 U.S.C. §102(b) is respectfully requested.

Claims 12 and 13 depend in series from amended claim 11 and therefore benefit from the amendment made thereto. Thus, the withdrawal of the rejection of claims 12 and 13 under 35 U.S.C. §102(b) is respectfully requested.

Claim 14 has been canceled hereinabove without prejudice or disclaimer as to its content.

Claim 15 has been amended hereinabove to directly depend from amended claim 11. Thus, claims 15 and 16 now depend in series from amended claim 11. Therefore, undersigned relies both on the changes and arguments made to amended claim 11 to establish that patentable distinctiveness has been established with respect to claims 15 and 16. Accordingly, withdrawal of the objection of claims 15 and 16 is respectfully requested.

With respect to Claims 17-20, the Examiner states at page 5 of the Office Action that "Claims 17-20 *allowed*."

Undersigned wishes to gratefully acknowledge the Examiner's perception of allowable subject matter as it pertains to at least claims 17 through 20.

Other Citations

With respect to the citations that the Examiner had cited to show the state of the art further, general agreement appears to exist with respect to their limited applicability. Hence, further commentary on these non-applied citations will not be made at this time so as to not

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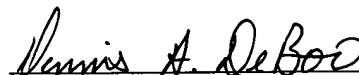
further burden the record. Suffice to say, however, that these references when considered singly or in any conceivable combination do **not** teach nor render obvious the nexus of patentability as defined in the claims now before the Examiner.

Conclusion

It is undersigned sincere belief that all issues raised by the Examiner in the last Office Action have been satisfactorily addressed herein and that foregoing remarks when coupled with the revisions to the claims hereinabove should provide the requisite distinction for the Examiner to conclude that patentable merit exists in all claims particularly as now amended. Therefore, in view of the foregoing, it is respectfully requested that the Examiner pass this case to issue. If, upon further consideration, the Examiner believes further issues remain outstanding or new ones have been generated, undersigned respectfully requests that the Examiner call undersigned and suggest a convenient time when an **interview** may be conducted to expeditiously resolve same.

Dated: February 4, 2005

Respectfully Submitted:



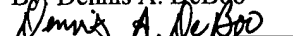
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On: **February 4, 2005**

By: Dennis A. DeBoo


(Signature)